

**UNITED STATES COURT OF APPEALS FOR THE EIGHTH JUDICIAL CIRCUIT**

Cedar Falls Utilities, )  
Petitioner, )  
v. )  
United States Environmental Protection )  
Agency, )  
Respondent. )

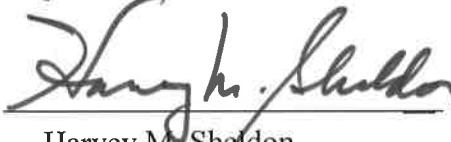
**PETITION FOR REVIEW**

16-4504

FILED  
DEC 20 2016  
MICHAEL GANS  
CLERK OF COURT

Cedar Falls Utilities<sup>1</sup>, Petitioner, hereby petitions this Court for review of the Order of the United States Environmental Protection Agency (EPA) published in the October 26, 2016 Federal Register (81 FR 74504 et seq.) promulgating a so-called Cross State Air Pollution Rule Update for the 2008 Ozone NAAQS (Final Rule) under the Clean Air Act. This petition is filed pursuant to Section 307(b) of the Clean Air Act, from relevant findings and provisions of the Final Rule by which the EPA purported to analyze regional effects and promulgated a federal implementation plan for Iowa concerning control of emissions from electric generating units in Iowa. The EPA final action appealed from unlawfully limits future operations of certain electric generating equipment owned and operated by Petitioner in Cedar Falls, Iowa. The Final Rule improperly finds the state of Iowa to be a significant source of ozone precursor emissions, unreasonably and capriciously restricts Petitioner's ability to provide electricity to its customers during emergencies, unconstitutionally takes property of Petitioner, and otherwise arbitrarily and unlawfully restricts and discriminates against operations of electric generating units in Iowa.

Respectfully,



Attorney for Petitioner

Harvey M. Sheldon

Hinshaw & Culbertson LLP  
222 North LaSalle Street  
Chicago, IL 60601  
Tel. 312-704-3504  
Fax 312-704-3001  
E-mail: hsheldon@hinshawlaw.com  
December 19, 2016

<sup>1</sup> "Cedar Falls Utilities" is the common name for the electricity provider owned and operated by the Board of Trustees of the Municipal Electric Utility of the City of Cedar Falls, Iowa, a municipal utility formed pursuant to Chapter 388 of the Iowa Code.

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**PETITION FOR REVIEW**

**NOTICE OF FILING****TO: Administrator, United States Environmental Protection Agency**

PLEASE TAKE NOTICE that the attached Petition for Review of the Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS, published in the October 26, 2016 Federal Register has been filed with the Clerk of Court for the Eighth Circuit U.S. Court of Appeals in St. Louis, Missouri. Please communicate with the undersigned regarding any further proceedings or questions respecting the Petition for Review.

Respectfully,



December 19, 2016

Harvey M. Sheldon  
Hinshaw & Culbertson LLP  
222 North LaSalle Street  
Chicago, IL 60601

Tel. 312-704-3504  
Fax: 312-704-3001  
E-mail: hsheldon@hinshawlaw.com

**PROOF OF SERVICE**

The undersigned attorney certifies that on December 19, 2016 he caused a copy of the foregoing Notice and Petition for Review to be served on the United States EPA by mailing a copy via Certified U.S. Mail, Return Receipt Requested, to the Administrator of USEPA and to its General Counsel, addressed respectively as follows:

Hon. Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency,  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, N. W.  
*Mail Code: 1101A*  
Washington, DC 20460

General Counsel  
United States Environmental Protection Agency  
Correspondence Control Unit,  
Office of General Counsel (2311),  
U.S. Environmental Protection Agency,  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460.

The undersigned further certifies that in accordance with Federal Rules of Appellate Procedure 15, he has caused the original Petition for Review to be delivered to the Clerk of the Eighth Circuit U.S. Court of Appeals, for filing, so that the Clerk may officially provide notice to the USEPA, per FRAP 15.



Harvey M. Sheldon

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